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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,807	05/24/1999	RONALD A KATZ		9574

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EXAMINER

WOO, STELLA L

ART UNIT PAPER NUMBER

2643

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

NH

Office Action Summary

Application No.
09/317,807

Applicant(s)
Katz

Examiner
Stella Woo

Art Unit
2643



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Apr 10, 2002

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1 and 18-27 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1 and 18-27 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

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DETAILED ACTION

Continued Prosecution Application

1. The request filed on April 10, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/317,807 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 18, 20, 23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masson et al. (USPN 4,908,850, hereinafter "Masson") in view of Stephenson, Jr. et al. (USPN 3,727,186, hereinafter "Stephenson") for the same reasons given in the last Office action and repeated below.

Masson discloses an interface control system (Fig. 2) comprising:

call data means (channel banks 72);

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selection means (system selects from a plurality of different applications ranging from simple information dissemination to automatic order entry with credit verification, order entry including operator assistance; col. 2, lines 40-49; col. 5, lines 37-48);

interconnect switch means (digital cross-connect circuit 70; col. 4, lines 47 - col. 5, line 58).

Masson differs from the claims in that although it does teach determining whether or not a credit card number is authorized (col. 10, lines 1-68), it does not specify the credit verification process as including testing for negative file data. However, Stephenson teaches that it is old and well known in the credit authorization art to test for negative file data (warning file 30) when determining whether or not a credit card number is authorized (col. 5, lines 22-28; col. 6, lines 30-37) and for referring the call to an operator in the event the credit card account is on the warning list (col. 5, lines 22-55; col. 6, lines 30-65; col. 8, lines 23-47) such that it would have been obvious to an artisan of ordinary skill to test for negative file data and refer such "negative" calls to an operator, as taught by Stephenson, within the system of Masson so that calls providing credit card numbers which have been flagged as invalid can be forwarded to an operator for a further authorization check.

Regarding claim 18, Masson provides for certain of said formats requiring credit authorization (col. 9, line 54 - col. 10, line 29).

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Regarding claims 20, 26-27, in Masson, the credit card information is stored in the database for future use with regard to the particular calling terminal (col. 10, lines 29-46). Billing charges are computed and stored (col. 10, line 52+).

4. Claims 1, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the article entitled "The AT&T Multi-Mode Voice systems - Full Spectrum Solutions for Speech Processing Applications" by Hester et al. (hereinafter "Hester") in view of Stephenson for the same reasons given in the last Office action and repeated below.

Hester discloses an interface control system (note Fig. 1) comprising:

call data means (trunk interface circuits receive Touch Tone signals and DNIS (page 2, fourth paragraph - page 3, second paragraph);

selection means (selects from many different services based on DNIS and provides connection to live operators; page 3, second paragraph; page 4, third paragraph, lines 1-3);

interconnect switch means (voice switch, Fig. 1).

Hester differs from the claims in that although it does teach credit card authorization (page 1, first paragraph, line 5), it does not specify the credit verification process as including testing for negative file data. However, Stephenson teaches that it is old and well known in the credit authorization art to test for negative file data (warning file 30) when determining whether or not a credit card number is authorized (col. 5, lines 22-28; col. 6, lines 30-37), and for referring the call to an operator in the event the credit card account is on the warning list (col. 5, lines 22-55; col. 6, lines 30-65; col. 8, lines 23-47) such that it would have been obvious to an

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artisan of ordinary skill to test for negative file data and refer such “negative” calls to an operator, as taught by Stephenson, within the system of Hester so that calls providing credit card numbers which have been flagged as invalid can be forwarded to an operator for a further authorization check.

Regarding claim 22, speech files associated with each format are addressed by the dialed number information (Hester; page 3, second paragraph).

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masson in view of Stephenson, as applied to claim 18, and further in view of Britton et al. (USPN 4,785,408, hereinafter “Britton”) for the same reasons given in the last Office action and repeated below.

The combination of Masson and Stephenson differs from claim 19 in that it does not specify executing a test based on the time of call. However, Britton teaches the well known use of time conditions such as time of day, day of week, or day of year (col. 6, lines 32-48) for determining how the call is to be handled such that it would have been obvious to an artisan of ordinary skill to incorporate the use of such time-based conditions, as taught by Britton, within combination of Masson and Stephenson in order to restrict access to certain applications based on the time of day, day of week, or day of year.

6. Claims 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Masson and Stephenson, as applied to claims 1 and 18, and further in view of Entenmann et al. (USPN 4,996,705, hereinafter “Entenmann”) for the same reasons given in the last Office action and repeated below.

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The combination of Masson and Stephenson differs from claims 21 and 25 in that it does not specify executing a test based on the demographics of the calling terminal or calling number data. However, Entenmann teaches the well known use of calling telephone number data for restricting caller access based on the caller's locale (col. 2, lines 54-62) such that it would have been obvious to an artisan of ordinary skill to incorporate such use restriction in order to prevent certain calling areas from accessing specified applications, thus, giving the vendor or sponsor greater flexibility in determining how different applications are accessed.

Response to Arguments

7. Applicant's arguments filed July 30, 2001 have been fully considered but they are not persuasive.

Applicant argues that Masson does not teach selecting one of a plurality of formats under control of the call data means. The examiner disagrees. The touch-tone signals generated by the caller to select from the plurality of applications can be considered as the call data signals.

In response to applicant's arguments against the references individually (Masson and Stephenson et al.), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding the combination of Hester and Stephenson, Hester clearly provides for switching to a connection with live operators (Figure 1, note attendant line interface; page 4, third

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paragraph), and Stephenson teaches the connection of a call with an operator in the event the credit card account is on a warning list (col. 5, lines 22-55; col. 6, lines 30-65).

Conclusion

8. This is a continuation of applicant's earlier Application No. 09/317,807. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. **Any response to this final action should be mailed to:**

Box AF

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314; (for formal communications, please mark "EXPEDITED
PROCEDURE"; and for informal or draft communications, please label
"PROPOSED" or "DRAFT").

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395. Any general inquiries should be directed to the Customer Service Office at (703) 306-0377.

April 20, 2002



STELLA WOO
PRIMARY EXAMINER